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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,711	10/04/2000	Stephen L Corley	36-1377	2382

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EXAMINER
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KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/647,711	<b>Applicant(s)</b> CORLEY ET AL.	
	<b>Examiner</b> Alford W. Kindred	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to communications: Amendment, filed on 061/01/04.

This action is made final.

--Applicant is advised that there is a missed spelled word in claim 7 (i.e. "on" instead on "one"). Correction is needed.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McComb, US# 6,006,224 et al. in view of Diamond, US# 6,269,368 B1.

As per claims 1, 5-6, 8 and 12-13, McComb et al. teaches "constructing database queries . . . storing database queries" (see col. 5, lines 22-37) "query submission means for selecting between a constructed query . . ." (see col. 4, lines 7-21) "said query store being separate from said database" (see col. 7, lines 41-67). McComb et al. does not explicitly teach "a search tool operable to receive said constructed query and search the query store for a previously constructed query that resembles said constructed query . . .". Diamond teaches "a search tool operable to receive said constructed query and

search the query store for a previously constructed query that resembles said constructed query . . .” (see col. 6, lines 9-37 and col. 37, 30-55). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of McComb and Diamond above, because using the steps of “a search tool operable to receive said constructed query and search the query store for a previously constructed query that resembles said constructed query . . .”, would have given those skilled in the art the ability to revisit previously stored queries based on similarities. This give users the advantage of have receiving information that was previously discovered during a previous search on a similar subject.

As per claim 2, McComb et al. teaches “user input means . . . a database query . . .” (see col. 3, lines 62-67) “calculate a similarity factor between data fields . . .” (see col. 5, lines 10-37).

As per claim 7, McComb teaches “a user loading data to at least on data field in a database query” (see col. 14, lines 57-67).

As per claims 4 and 11, McComb et al. teaches “collecting management information data for a query submitted . . . structuring the management information . . . loading structured management . . .” (see col. 15, lines 26-67).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2163

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McComb, US# 6,006,224 et al. in view of Diamond, US# 6,269,368 B1, and further in view of Malloy, US# 5,787,234.

As per claims 3 and 9-10, McComb et al. does not explicitly teach "case based reasoning . . . does so to construct a query as a case." Malloy teaches "case based reasoning . . . does so to construct a query as a case" (see col. 2, lines 56-67 and col. 3, lines 1-12). It would have been obvious for one of ordinary skill in the art at the time of the invention to have combined the teachings of McComb and Molly, because using steps of "case based reasoning . . .", because using the process involving case base reasoning would have given those skilled in the art the tools to apply a framework that users can use to produce query solutions, this give users that advantage of solving problems by examining descriptions of similar and previous problems.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2163